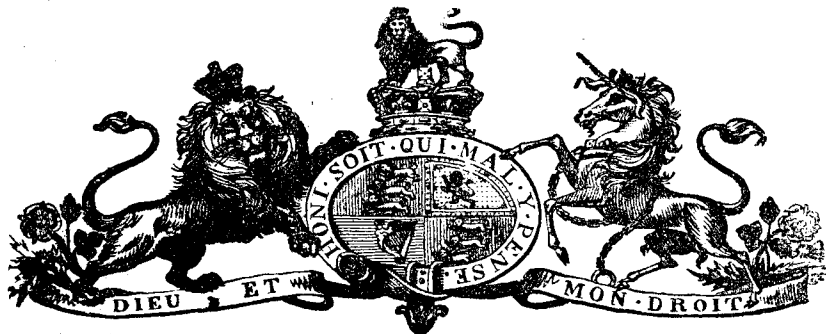


T A S M A N I A.



1884.

ANNO QUADRAGESIMO-OCTAVO

VICTORIÆ REGINÆ,

No. 16.



AN ACT to enable certain Mining Companies A.D. 1884.
to sue and be sued in *Tasmania*.
[24 November, 1884.]

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited as “The Mining Companies (Foreign) Act.” Short title.

2 This Act shall commence and take effect from and immediately after the Thirtieth day of *November*, One thousand eight hundred and eighty-four. Commencement.

3 In this Act, unless the context otherwise determines—
“Company” includes any association, partnership, or co-adventure:
“Gazette” means *The Hobart Gazette*. Interpretation.

4 Every Company formed or incorporated in any country or place beyond this Colony and carrying on mining operations in this Colony, such Company not being registered under “The Mining Companies Act, 1884,” may sue and be sued in its corporate name in *Tasmania*; and the liability of and proceedings against such Company shall, subject to the provisions of this Act, be the same as if such Company had been duly registered in *Tasmania* under the said Act. Company formed out of this Colony for mining in this Colony may sue and be sued in Tasmania.

Mining Companies (Foreign).

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Company to
register name of
Agent and
situation of office.

5 Every such Company before commencing mining operations shall register the names and place of abode or business of the person appointed by such Company to carry on the business of such Company in *Tasmania*, and also the situation of the office of such Company in this Colony; and the person so registered shall be deemed to be the Agent of such Company, and such office shall be the Registered Office of such Company for the purposes of this Act and the said Act.

Every Company which fails to comply with this provision shall be liable to a penalty not exceeding Five Pounds for every day during which mining operations shall be carried on.

Mode of registra-
tion.

6 The Registration of such Agent and Office shall be effected in the following manner:—The duly appointed Attorney of such Company shall make and sign a Declaration in the form in the Schedule (1.), or to the like effect, before a Justice of the Peace, and such Declaration when so made and signed shall be published in the *Gazette*, in some newspaper published in *Hobart*, and some newspaper published in *Launceston*, and copies of such *Gazette* and newspapers shall be forwarded to and be retained by the Secretary of Mines.

Every person who wilfully makes any such Declaration falsely in any particular shall be guilty of a Misdemeanor, and on conviction thereof be liable to be imprisoned for any term not exceeding Two years.

Proof of registra-
tion.
Schedule (2.)

7 A certificate in the form or to the effect in the Schedule (2.), purporting to be under the hand of the Secretary of Mines (who is hereby required to give such certificate to any person applying for the same on payment of One Shilling), and which certificate shall set forth the name of the Agent of, and the situation of the Office of the Company in *Tasmania*, shall be *prima facie* evidence in all Courts that the person named therein as Agent is the Agent of such Company in *Tasmania*, and that the Office of such Company in *Tasmania* is situate as therein stated, and that such Agent and Office have been duly registered under the provisions of this Act, and of the time of registration, and of all other particulars mentioned in such certificate.

Registration
under 44 Vict.
No. 19.

8 Every Company which shall have effected the Registration of the Agent and the Office of such Company in *Tasmania* in accordance with the provisions of the Act of the Parliament of *Tasmania* of the 44th *Victoria*, No. 19, shall, from and after the commencement of this Act, be deemed and taken to have effected the Registration of such Agent and Office under this Act.

Notice of removal
of office or substi-
tution of Agent to
be given

9 When and so often as any such Registered Office shall be removed, or any other person shall be substituted for the registered Agent of such Company, the like Declaration and notice shall be made and given as is hereinbefore required with reference to the registration of a Company; and if the requirements of this section shall not be complied with such Company shall be liable to a penalty of Five Pounds.

Service of notices,
&c.

10 All communications and notices may be addressed to the Registered Office of such Company, and service of any notice or legal process at such office shall be deemed to be service upon the Company; and any Company which carries on business without having a Registered Office shall be liable to a penalty not exceeding Five Pounds for every day during which the business is so carried on.

Mining Companies (Foreign).

11 Every contract made by the Agent for the time being of any such Company for the purchase of goods or the performance of work, and the supply of the materials for the same for the purposes of such Company, shall be binding upon such Company and upon the assets thereof as herein provided, and such assets may be seized and sold in execution in any action against such Company upon any such contract.

A.D. 1884.

Contracts made by the Agent to be binding on the Company.

12 Contracts on behalf of any such Company may be made, varied, or discharged as follows (that is to say):—

Contracts how made, varied, or discharged.

- i. Any contract which, if made between private persons, would be by law required to be in writing under seal, may be made varied, or discharged in the name and on behalf of the Company in writing under the hand of the Agent of such Company:
- ii. Any contract which, if made between private persons, would be by law required to be in writing and signed by the parties to be charged therewith, may be made, varied, or discharged in the name and on behalf of the Company in writing signed by the Agent of such Company :
- iii. Any contract which, if made between private persons, would by law be valid although made by parol only and not reduced into writing, may be made, varied, or discharged by parol in the name and on behalf of the Company by the Agent of such Company.

13 The Agent of every such Company shall make and publish in the *Gazette* in the months of *January* and *July* respectively in each year a full and correct account of the assets and liabilities of such Company, and if such account is not published as herein required such Agent shall be liable to a penalty not exceeding Fifty Pounds.

Accounts to be periodically published.

14 No person shall commence to carry on or carry on mining operations in *Tasmania* or enter into any contract or agreement with any other person or Company in *Tasmania* for or on behalf of or in the name of any such Company as is described in the Fourth Section of this Act which has not complied with the provisions contained in the Fifth Section of this Act; and every person who offends against this Section shall be liable to forfeit and pay a penalty not exceeding Twenty Pounds and not less than Five Pounds.

Penalty on persons carrying on operations for or on behalf of unregistered Companies.

15 All penalties imposed by this Act may be recovered before any two Justices in the mode prescribed by *The Magistrates' Summary Procedure Act*.

Recovery of penalties.

16 The Act of the Parliament of *Tasmania* of the 44th *Victoria*, No. 19, is hereby repealed; but such repeal shall not affect anything duly done thereunder or any rights acquired or liability incurred before the commencement hereof, and such rights and liabilities may be enforced and prosecuted as if this Act had not been passed.

Repeal.
44 Vict. No. 19.

Mining Companies (Foreign).

A.D. 1884.

SCHEDULE.

(1.)

I, the undersigned _____, being the duly appointed Attorney of [*here state the name of the Company*], do hereby solemnly and sincerely declare that the said Company proposes carrying on mining operations in *Tasmania*.

The name of the Agent of the said Company is [*here state full Christian name and surname, and place of abode or business*].

The Office of the said Company in *Tasmania* is at [*here state the City, Town, or place where situate, and the name of the street and number of house (if any)*].

The place where the said Company was incorporated is _____, and the situation of its Head Office is at [*state name of street, &c.*]

All which matters I conscientiously believe to be true; and I make this declaration under the provisions of "The Statutory Declarations Act, 1837."

[Signature.]

Taken before me this _____ day of _____ 18

A Justice of the Peace.

(2.)

THIS is to certify that a Mining Company called "The _____ Company, Limited" [*or as the case may be*] incorporated in _____ and carrying on Mining operations in *Tasmania*, has duly registered the name and place of abode or business of the person appointed by such Company as Agent to carry on its business in *Tasmania*, and also the situation of the Office of such Company in *Tasmania*.

The name of the Agent is _____, and the Office of the Company in *Tasmania* is situated at _____

Given under my hand this _____ day of _____ 18

B.S.,
Secretary of Mines.